UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,914	04/14/2004	Bernhard Reissner	J809-001 US	6093

21706	7590	05/02/2006

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EXAMINER
HESS, DANIEL A

ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	**Applicant(s)**
Office Action Summary	10/823,914	REISSNER, BERNHARD
	Examiner	**Art Unit**
	Daniel A. Hess	2876

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _17 February 2006_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1 and 3-15_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1 and 3-15_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

This action is in response to Applicant's amendment of 2/17/2006.

Claim Objections

Each of claims 1 and 8 have the limitation, "the output device is operated independently

of the data processing means." This is apparently contradictory because, as is recited in the

immediately preceding limitation, <u>it is the data processing means that generates the output data</u>.

Immediately following that limitation, it is recited that the output device achieves output using "a

second operative connection between the output device and the data processing means."

This should be corrected.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-10 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Wiklof (US 2001/0030234).

Re claim 1: In Wiklof (see especially figure 1 and paragraph [0008]) a barcode on a

product is scanned, a request for information on that particular product is made over the Internet

from the user's computer, and information is returned to the user over the user's network

connection. This information is then presented to the computer on their computer's display, in

their web browser. From here other additional output options naturally exist, **such as printing**.

In this arrangement the selection means includes a bar code scanner, and other interface

means with the computer such as mouse and keyboard. A user can thus use the selection means

both to identify a product (i.e. by submitting to a central server system a request including a

product identifier) and selection of output type (such as for example printing). In addition, on a

standard PC, one can identify an output device, such as selected a printer from among several

available printers. A first operative connection is a connection from the server system to a user's

computer and then, for example, to their printer. This server system, which is the system that

carries and supplies the product information over the Internet, has a data base of product

information.

As for the limitation that "the output device(s) is(are) operated independently of the data

processing means," the examiner notes that this is not really an accurate representation of the

applicant's invention: indeed the applicant recites earlier in the claim that the data processing

means *supplies* the output means, which then indicates that the output device is not independent

of the processing means. Nevertheless, in Wiklof, a printer associated a user's PC is a separate

system from the server.

Wiklof fails to explicitly recite that a user employs a local printer to print the product

information which appears in their web browser.

Printers are extremely common and are generally the norm in a desktop computer

workstation environment.

In view of the easily availability of printing in a desktop environment, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to include the old

and well-known output of product data gathered into a computer's web browser in Wiklof to a

printer because printed data is easier to read and is also easily carried from one place to another.

Re claim 3: Typically on a PC, if one simply opts to print, and there is one printer

connected, the computer operating system will, by default, print to that printer. Thus, by

selecting an output type (i.e. printing) one is, in effect, selecting an output device.

Re claim 4: In Wiklof, product information is obtained via a bar code (see figure 1, ref.

101).

Re claim 5: It is well understood (particularly in the art of point-of-sale systems) that it is

generally possible to interchange barcode scanning and manual entry of the code.

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to substitute the old and well-known manual entry of product codes into the system of

Wiklof because under certain circumstances, the bar code does not scan properly.

Re claim 6: As the data processing means (i.e. the server bearing product data) to an output means (such as a local display or printer) it travels using a protocol, namely hypertext transfer protocol (HTTP) which is the standard protocol for web pages and the Internet.

Re claim 7: As discussed under USC 112 above, the term "raw data" is indefinite. Nevertheless, if what is mean is data having small size, text which is received through a web browser has a relatively small size.

Re claim 8: As is clear in Wiklof, a system (namely a computer with interfaces, inputs, outputs and a network connection) is present. This is the system carrying out the method recited in claim 1, above.

Re claims 9 and 10: These are system claims which follow inherently from method claims 2 and 3 respectively. As claim 8 discusses, Wiklof has the necessary system components to achieve the recited method.

Re claims 12 and 13: These are system claims which follow inherently from method claims 4 and 5, respectively. As claim 8 discusses, Wiklof has the necessary system components to achieve the recited method.

Re claim 14: See figure 1 of Wiklof: A terminal which calls up web pages on an Internet browser, where the data processing means is a server that serves up product information is exactly the configuration that has been discussed re claim 1, above.

Re claim 15: In the present case, where information is stored on a server pertaining to a product. Since the system is server-based, changes which take place on the in the product description that is stored on the server will automatically be disseminated to any computer

systems which access that data over the Internet, since the data is gathered from the product

server in real time.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wiklof as applied

to claim 1 above, in view of Hagenbuch (US 5,416,706).

Wiklof lacks radio identification.

Hagenbuch teaches (see figure 27, ref. 228) the interchangeability of RFID transponders

and barcodes as carriers of information.

In view of Hagenbuch, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to substitute the old and well-known radio connection as a way

to obtain product information in the place of a bar code scanner because a RFID is much easier

and faster to scan than bar codes.

Response to Arguments

Applicant's arguments filed 2/17/06 have been fully considered. Some, but not all,

arguments are persuasive.

Regarding the discussion of 'raw data' the Examiner concedes that a definition is

provided, overcoming the 112 rejection. Nevertheless, a rejection is still made under 103

because raw data such a broad term that it can be considered to cover almost any type data.

The Applicant also makes arguments such as (page 9) that the Instant Invention is "aimed at a company that wants to...."

This is a matter of intended use, which is not an issue in patentability considerations. What matters are the limitations that are recited in the claims.

As for the issue of the output means actually 'calling up' product information, this can indeed be said to be the case, where the output is the user's end terminal computer and it is requesting the information from a central server somewhere.

As for the limitation of updating periodically, this is can certainly be the case with a web browser, because web browsers do update periodically.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel A. Hess whose telephone number is (571) 272-2392. The examiner can normally be reached on 8:00 AM - 5:00 PM M-F.
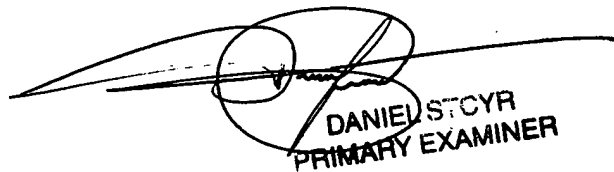
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel A Hess
Examiner
Art Unit 2876
4/21/06